



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

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THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.3150 of 2018

and

WMP.Nos.3865 & 3866 of 2018

K.M.Tamilselvan,
Panchayat Secretary,
Madhapur Village Panchayat,
Pongalur Panchayat Union,
Tirupur District.

...

Petitioner

Vs.

1.The District Collector cum
Inspector of Panchayats,
Tirupur District,
Tirupur.

2.The personal Assistant (Development)
to the Collector,
Tirupur District, Tirupur.

3.Madhapur Village Panchayat,
rep. by its Special Officer,
Pongalur Panchayat union,
Tirupur District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records on the file of the 2nd respondent in



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connection with the impugned order of punishment issued by him in his Proceedings in Na.Ka.No.6445/2014/V.6 dated 21.09.2016 and quash the same as arbitrary, illegal and without jurisdiction.

For Petitioner : Ms.Pavithra for M/S.G.Thalaimutharasu

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate.

ORDER

The writ petition has been filed to call for the records on the file of the 2nd respondent in connection with the impugned order of punishment passed by him in his proceedings dated 21.9.2016 and quash the same as arbitrary, illegal, and without jurisdiction.

2. Heard Ms.Pavithra, learned counsel for the petitioner, Mr.A.M.Ayyadurai, learned Government Advocate for the respondents and perused the materials available on record.

3. The petitioner was absorbed as Panchayat Secretary in view of the government order issued in GO.175 dated 5.12.2006. On 26.2.2015 he was suspended from service on the allegation that the petitioner was holding another post simultaneously. The petitioner has filed a writ petition challenging the above suspension order in [WP.No.7170/2015](#), and the same was disposed of on 21.8.2015 with a direction to consider the representation of the petitioner to



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revoke the suspension. Thereafter the petitioner was reinstated into service. later the petitioner was issued a charge memo on 2.3.2015 on the allegation that the petitioner was working simultaneously as panchayat secretary in the 3rd respondent panchayat and also as postmaster in the Devanampalayam branch post office. An inquiry officer was appointed subsequently and the enquiry was conducted. The inquiry officer has filed his report on 4.6.2016 with a finding that the charges against the petitioner were proved. And thereafter he was imposed with the punishment of stoppage of increment for 3 years with cumulative effect. The said order has been passed by the 2nd respondent, who is the personal assistant to the collector of the Thiruppur district. The petitioner has filed an appeal challenging the above order.

4. The learned counsel for the petitioner submitted that, as per the service conditions of the petitioner , the 2nd respondent is not the competent authority to pass the order of punishment. According to the petitioner, the competent authority is the Panchayat president and not the personal assistant to the Collector.

5. The learned government advocate for the respondents submitted that as per the revised rules issued in G.O. 72 dated 9.7.2013, the competent authority who has imposed penalties shall be the personal assistant to the collector. However, the block development officer can initiate the disciplinary action on the



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village panchayat secretaries and remit the matter back to the personal assistant to the collector for passing final orders. The punishment has been passed against the petitioner on 21.09.2016 after the government order in G.O. 72 dated 9.7.2013 has come into force. Hence the petitioner cannot claim that the personal assistant does not have the jurisdiction to pass the order of punishment. As the petitioner has filed this writ petition on flimsy ground despite knowing the issuance of the fresh rules under [G.O.Ms.72](#) dated 9.7.2013, the writ petition is liable to be dismissed.

6. Now the position is that another fresh government order has been issued vide G.O. No. 113 dated 13.9.2023, and the said government order has given more clarity in case the disciplinary proceedings have to be initiated against the village panchayat secretary and the subordinate employee of the village panchayat. [In](#) that case, the competent authority to institute disciplinary proceedings shall be the block development officer. As for the punishment order issued by the authority who is competent to pass orders, I don't find any merits.

In the result, the writ petition is **dismissed**. No costs. Consequently, the connected miscellaneous petitions are also closed.



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Internet : Yes/No

Speaking/Non- Speaking

Neutral: Yes/No

jrs

To

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Tirupur.

2.The personal Assistant (Development)
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R.N.MANJULA, J.
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